

## Misrepresenting a Child's Age to Gain Free Entry to a Park

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**Question:** Someone takes their family to an amusement park where children under three may enter for free. They have a child who just turned three but is not yet old enough to actively use any of the rides or games in the park. Is it permitted to say that the child is still two years old?

**Answer:** Upon hearing this question, most people would likely sense that misrepresentation of a child's age in this situation is inherently wrong. This would seem to violate the injunction of *midvar sheker tirschak*, not telling a lie, which is forbidden (including white lies) except in specific situations. However, misrepresenting the child's age here may be more severe than just lying; it may also involve an element of *gezel* (theft), as we will explain. There is a case in the Gemara in *Bava Kamma* and in the *Shulchan Aruch* (C.M. 348) where the halacha may in fact sometimes be more lenient regarding a non-Jew, known as *hafka'as halva'aso* (abolishing a loan). If one has an outstanding debt owed to a non-Jew, one may not always have the same responsibility to repay it as exists for a Jew. Nevertheless, our case is more severe than that of *hafka'as halva'aso*, since here one is paying for the right of entry into the park. Thus, if a child for which one is supposed to pay enters without paying, it constitutes an active form of *gezel akum*, theft from the non-Jewish owners of the park. According to many *poskim*, *gezel akum* is indeed an *issur de'oraisa*. Finally, another reason not to allow this is that if one's other children are watching, they will get the mistaken impression that lying and theft in such cases is permitted. This would certainly constitute improper *chinuch*, a value that may be considered *de'oraisa* in some form (see Bereishis 18:19; Meshech Chochma, *ibid.*; Minchas Asher, Bereishis Siman 21).